

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2911 of 1997

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHAVSUKHRAI HIMMATLAL BHATT

Versus

STATE OF GUJARAT

Appearance:

MS KJ BRAHMBHATT for Petitioner

MR DA BAMBHANIA Addl. GP for respondent No. 1 and 2.

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 17/04/97

ORAL JUDGEMENT

Rule returnable today. Learned Addl.GP Mr. Bambhania waives service of rule on behalf of respondenst No. 1 and 2. Leave to delete respondent No. 3. The petitioner who had been serving as Drawing Teacher has on reaching the age of superannuation retired from service on 31st August, 1981. On 9th September, 1990, Government issued a Resolution granting benefit of four increments from 1st June, 1980 to all non-graduate trained teachers who had been in service on 31st December, 1972. The

petitioner claims that he had been in service on 31st December, 1972 and he being drawing teacher, he too is entitled to the benefit of four increments from 1st June, 1980. Petitioner has claimed that he made a representation through respondent No. 3 school which has not been responded to. However, representation made by the petitioner has not been placed on the records of the matter.

2. In the circumstances, it is directed that the petitioner shall make a representation in the subject-matter of this petition to the State Government within a period of ten days from today. If such a representation is made, the State Government shall consider and decide the same in accordance with law within a period of six months from the date of receipt of the representation. Decision thereof shall be communicated to the petitioner. Petition is allowed to the aforesaid extent. Rule is made absolute accordingly. There shall be no order as to costs.

Vyas